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MAY 19 2006

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

LUTHER D. THOMAS, Clerk
By: *J. M. H.* Deputy Clerk

DAVID OPPENHEIMER)
)
Plaintiff,)
)
HOUSE OF BLUES CONCERTS, INC.) CIVIL ACTION FILE NO.
)
)
Defendant)

1:06-cv-1198-H

NOTICE OF REMOVAL

COMES NOW House of Blues Concerts, Inc., ("Defendant" or "Petitioner") and gives notice of removal of this case from the State Court of Fulton County, State of Georgia, to the United States District Court, Northern District of Georgia, Atlanta Division, and shows the Court the following:

1.

This action was filed in the State Court of Fulton County on March 31, 2006. This petition is filed within thirty (30) days of the Defendant's receipt of a copy of the Plaintiff's initial claim for relief. A copy of all documents required to be filed along with this notice pursuant to 28 U.S.C. § 1446(a) are attached hereto as Exhibit "A".

2.

Petitioner shows that Plaintiff is a citizen and resident of North Carolina. Petitioner is a California corporation with its principal place of business in California.

3.

Petitioner affirmatively shows that the amount in controversy exceeds seventy five thousand dollars (\$75,000.00), exclusive of interest and/or costs.

4.

Accordingly, there is diversity of citizenship, and the action filed in the State Court of Fulton County is one over which this Court has original jurisdiction under the provisions of 28 U.S.C. § 1332. Therefore, Defendant may remove this case to this Court pursuant to 28 U.S.C. § 1441.

5.

Defendant has complied with all conditions precedent to removal.

WHEREFORE, Defendant prays that the case be removed to the United States District Court for the Northern District of Georgia, Atlanta Division.

[SIGNATURE FOLLOWS ON NEXT PAGE]

This 19th day of May, 2006.

SOMMERS, SCRUDER & BASS LLP

Matthew P. Lazarus
Matthew P. Lazarus
Georgia Bar No. 441590
Teddy L. Sutherland
Georgia Bar No. 693189
Attorneys for Defendant
House of Blues Concerts, Inc.

900 Circle 75 Parkway
Suite 850
Atlanta, Georgia 30339-3053
mlazarus@ssblaw.net
tsutherland@ssblaw.net